

Agenda Item 4— DOJ/IMD/PCS

DOJ

Background

- Please briefly refresh the Committee on the complaint and prior investigations conducted by DOJ that have led to the negotiations underway.

Status

- Please provide as many details as possible regarding the current stats/results of the negotiation itself.
- Please update Committee on Department's efforts/plan to implement Section 10.23A(e) in HB 950 that appropriates \$10.3 million to support transitioning individuals with severe mental illness and severe and persistent mental illness into community living arrangements, including establishing a rental assistance program
 - Provide an estimate of how many individuals you anticipate being able to serve with the \$10.3 million
 - What steps has the Department taken with regards to implementing the action plan being negotiated between DHHS and DOJ?
- For individuals who may need to transition to a more independent community based living arrangement, does the Department anticipate any problems with implementation of the SA in-home changes contained in HB 950?
- What plans does the Department have to ensure that individuals who transition from a facility to a more independent living arrangement have the supports and/or skills necessary to make a successful transition?

IMD Determination

Background

- Briefly explain the DOJ findings letter and what the state is facing with regards to IMD
- Provide an overview of what was included in the recent settlement between the State and adult care homes (Tiffany Healthcare v. DHHS/DMA)
- Provide a review of Phase 1 activities that have already been undertaken

Process

- Of the original 25 facilities previously identified to be "at risk" in Phase 1, how many facilities have received letters indicating they are, in fact, found to be an IMD? How many total residents are housed in these facilities? How many of these residents have a primary diagnosis of mental illness?
- For Phase 2, please detail **the new criteria as well as the process** that DMA will use for IMD assessments to determine if a facility is "at risk" of being an IMD?
 - Please describe all factors being used (what is included in the data run?)
 - How many facilities does the Department expect to be "at risk" of being an IMD in Phase 2 (using the new assessment criteria)?
- How has the Department communicated the change to IMD assessment process with facilities?

- Timeline for Department's IMD assessments—What is the final date on which all assessments are to be completed?
- Please describe the Department's suggested discharge process for those individuals identified as having a primary diagnosis of a mental illness and living in a facility determined to be an IMD?
 - When does a facility begin the discharge process—when the facility receives an “at risk letter” or after the 60 days?
- Who is responsible for annual IMD assessments in the future? DHSR, DSS?

PCS

Background

- Please brief the Committee on the PCS change in 2012 budget bill
- Provide a projection of the number of individuals who will be affected by the change and include an analysis of the fiscal impact of the change.

Status

- Status update on submission of SPA to change PCS eligibility to CMS
- Update Committee on the PCS assessments of facilities
 - Does the Department still intend to complete all PCS assessments of facilities by November 30, as indicated in the original CMS plan of correction document? If not, when is the projected completion date?
- How many individuals does the Department estimate will not meet the new PCS ADL requirement, effective January 1, 2013? How many of these individuals have a primary diagnosis of mental illness? How will this be coordinated with those discharges related to IMD?
- Please describe the discharge planning process for those individuals who will no longer be eligible for PCS services in facilities as a result of the eligibility change, beginning in 2013?